

DETAILED ACTION

Terminal Disclaimer

1. The terminal disclaimer filed 4 February 2010 does not comply with 37 CFR 1.321(b) and/or (c) because:

It was not signed by all owners and, therefore, supplemental terminal disclaimers are required from the remaining owners.

The person who signed the terminal disclaimer is not recognized as an officer of the assignee, and he/she has not been established as being authorized to act on behalf of the assignee. See MPEP § 324.

2. However, none of the currently pending claims are subject to a double patenting rejection because the present claims define over the claims of the copending applications and/or granted patent.

Allowable Subject Matter

3. Prosecution on the merits of this application is reopened on claims 204, 189-192, 195-197 and 205-207 considered unpatentable for the reasons indicated below:

Claims are indefinite under 35 U.S.C. 112, second paragraph.

4. The claims otherwise appear to contain allowable subject matter and correction of the indefinite claim language should result in allowance of the application.

Applicant's statement regarding support for claim 209 from figure 6B is noted and the prior new matter rejection of claim 209 is withdrawn.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 184, 189-197, 201-207 and 209-227 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding independent claim 204, the claim includes several instances of unclear language. First, the recitation "new unique electrochemical cell" is unclear and not defined by the specification. Second, lines 3-5 state that "all surfaces in the electrochemical cell that come into contact with the electrolyte are made of material selected from the group consisting of polyvinylidene fluoride (PVDF), polypropylene (PP), ethylene-chlorotrifluoroethylene (Halar), polytetrafluoroethylene (PTFE), and combinations thereof", where as lines 9-11 recite the "the surfaces in contact with the electrolytes are coated with a glass glaze or metallic oxides". Thus, claim 204 contradicts itself regarding the material of the surfaces contacting the electrolyte.

Further, claim 204 contains the trademark/trade name Halar. Where a trademark or trade name is used in a claim as a limitation to identify or describe a particular material or product, the claim does not comply with the requirements of 35 U.S.C. 112, second paragraph. See *Ex parte Simpson*, 218 USPQ 1020 (Bd. App. 1982). The claim scope is uncertain since the trademark or trade name cannot be used properly to identify any particular material or product. A trademark or trade name is used to identify a source of goods, and not the goods themselves. Thus, a trademark or trade name

does not identify or describe the goods associated with the trademark or trade name. In the present case, the trademark/trade name is used to identify/describe ethylene-chlorotrifluoroethylene and, accordingly, the identification/description is indefinite.

Regarding independent claim 209, the recitation "new unique electrochemical cell" is unclear and not defined by the specification.

Claim Objections

6. Claim 209 is objected to because of the following informalities: in line 6, "boxe" should be "box". Appropriate correction is required.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Harry D. Wilkins, III whose telephone number is (571)272-1251. The examiner can normally be reached on M-F 9:00am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexa Neckel can be reached on 571-272-1446. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Harry D Wilkins, III/
Primary Examiner, Art Unit 1723

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